



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



Witness IT Sen before the Extraordinary Chambers in the Courts of Cambodia on 7 September 2015. (Photo Credit: ECCC)

# First genocide charges heard at the ECCC

Starting from 7 September 2015, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC), for the first time, hear evidence related to charges of genocide when the trial in Case 002/02 against Khieu Samphan and Nuon Chea moves to the next trial sequence which focuses on allegations related to the treatment of the Cham group. Fourteen witnesses, Civil Parties and one expert are scheduled to testify during this part of the trial.

The Cham are an ethnic minority within Cambodia who share a common language, a common culture and Islam as a common religion. According to the Closing Order, people who belonged to the Cham group were sys-

tematically killed and the Communist Party of Kampuchea implemented a policy to destroy, in whole or in part the Cham group as such. The Closing Order states that the Cham were systematically and methodically targeted and killed on account of their membership of the Cham group and forcibly moved and dispersed into Khmer villages and prohibited from practicing their religion. Cham religious leaders and elders and those who continued to practice their religion were imprisoned and killed. Cham culture, language and dress were further prohibited according to the Closing Order. The Closing Order points to evidence that 36 per cent of the Cham people in Cambodia died during the re-

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## First genocide charges to be heard at ECCC

gime of Democratic Kampuchea. The Closing Order alleges that Khieu Samphan and Nuon Chea, in their various roles within the Communist Party of Kampuchea, bear individual criminal responsibility for the crimes committed against the Cham group.

According to the Closing Order, with respect to the Cham, this policy began as early as 1970 in some areas and escalated throughout the CPK regime until at least 6 January 1979. Forced displacement of Cham villages began in approximately 1973 and escalated after 1975, with some Cham being dispersed through ethnic Khmer villages. Telegram #15 dated November 1975 describes a decision of the CPK Centre regarding the policy to “break up” the Cham through displacement. Throughout the CPK regime, the CPK prohibited the Cham from practising their religion. The CPK imprisoned or killed Cham religious leaders and elders and Cham people who protested or continued to practice their religion. The CPK also prohibited the Cham culture, language and dress.

Beyond religious persecution, beginning in 1977 and generally from mid-1978, the CPK adopted a policy of destroying the Cham as a group in those parts of Cambodia where most Cham then lived. Mass executions of Cham occurred in 1977 and 1978 in the Central (Old North) Zone and East Zone. Witnesses gave evidence that the Cham were considered to be an enemy of the revolution and that the CPK intended to destroy the group by 1980. There is evidence that Ke Pork, Secretary of the Central Zone and a member of the Central Committee and Centre Military Committee, and the district secretaries of the East and Central Zones personally participated in the destruction of the Cham along with Centre and other military units.

As regards the *actus reus*, people who belonged to the Cham group (an ethnic and religious group that distinguishes itself as such, and is identified as such by others) were systematically killed.

The principal method of this killing as an act of genocide was the deliberate and systematic identifying, targeting, gathering and killing of people due to their membership of the Cham group. A common technique was to arrest or gather all of the Cham people from a particular region and take them to be killed in groups at an execution site. The victims were targeted because of their membership of the Cham group; they were generally not detained for any length of time or made to provide confessions, instead they were killed immediately, often after being asked to confirm that they were Cham.

As regards the *mens rea*, the perpetrators intended to destroy, in whole or in part, the Cham group as such. Killings were committed in the context of statements commenting on the objective to physically destroy the group in its entirety; the Chams were systematically and methodically targeted and killed on account of their membership of the Cham group, and other non-Cham people were specifically and expressly excluded from the attacks.



An ongoing Court session on the treatment of the Chams last 17 September 2015. (Photo Credit: ECCC)

Senior leaders of the CPK shared this intent to destroy, in whole or in part, the Cham group as such. The plan to destroy the Cham as a group was a plan set out by the Party, with the order being given to district level leaders to identify and target the group and kill them en masse.

The systematic nature, scale, pattern and repetition and timing of the killings of the Cham group in the East and Central (Old North) Zones clearly indicate that it was decided upon and coordinated by the CPK leaders within the framework of the common purpose. The fact that, in addition to the East Zone and the Central (Old North) Zone, the killings occurred across numerous zones during the same temporal period indicate that they were not unauthorized, random crimes committed by local cadres, but were centrally directed by the Party.

Additionally, the intention of the senior leaders of the CPK is inferred from the fact that the genocide of the Cham occurred in the general context of an escalating persecutory attack against the Cham directed by the CPK Centre. The CPK Centre directed a country-wide suppression of Cham culture, traditions and lan-

guage, and forcibly moved Cham communities in an effort to break them up.

Although there is no numeric threshold of victims necessary to establish genocide, the evidence from the Case File shows that the portion of the Cham population killed during the acts of destruction targeting the Cham group is strong evidence of the intent to destroy the group, in whole or in part: following the Demographic Expert Report, 36% of the Cham people in Cambodia died during the regime, which is compared to the average rate of Khmer deaths being an estimated 18.7%.

Case 002/02 is the second trial against Khieu Samphan and Nuon Chea and includes charges of genocide against the Cham and Vietnamese, forced marriages and rape, internal purges, alleged crimes committed against Buddhists and former Khmer Republic officials and crimes allegedly committed at four security centers, three worksites and one group of work cooperatives. As it starts this third trial topic, the Chamber has to date completed hearings on cooperatives and three worksites with the testimonies of 65 individuals: 39 witnesses, 25 Civil Parties, and 1 expert over the course of 98 hearing days.

# First witness testimonies on the treatment of Cham



**IT Sen (7 and 8 September)**

Mr. IT Sen, 63, from the Tbong Khmum province, was the first Cham witness to appear before the court to provide testimony on the genocide charges against Nuon Chea and Khieu Samphan. He talked about how the Khmer Rouge soldiers forbade the Chams from practicing Islam, wearing their traditional clothing, and speaking their own language. He mentioned that those who were heard speaking Cham were taken away and murdered. He confirmed the Cham uprising that happened in Koh Pal Island and talked about how he and his co-villagers were forcibly evacuated to the Trea village after the soldiers cut off their food supply. Mr. IT eventually revealed that the Trea village was actually a detention and execution site where he witnessed the soldiers drowning people in the river. He stated that he escaped from captivity after he managed to pry a floorboard open, thereby giving him the opportunity to swim all the way back to his home village.



**Mr. SOS Ponyamin (8 and 9 September)**

The Civil Party Mr. Sos Ponyamin, 61, described the treatment of the Chams during the Democratic Kampuchea regime. He explained how the Khmer Rouge forbade Chams to respect their religion. Chams were forced to eat pork and were forbidden to fast and pray. Mr. Sos also revealed that they were prohibited to use their own language and women were forced to cut their hair. He told that if they would have opposed any of these principles, then they would have been accused of being enemies of Angkar. Mr. Sos stated that people were arrested without any reasonable explanations. His cousin told him that there was a plan to arrest 80 Chams, and Mr. Sos organized a revolt with two other people. He explained that after the crackdown of the revolt, the soldiers took the Chams out of the village and interrogated and tortured them. He also described the working and living conditions at the worksite. He stated that the conditions were the same for Cham and Khmer people, and that he saw many corpses, but he did not witness any executions. Mr. Sos lost seven of his relatives during Khmer Rouge regime.



**Mr. SENG Kuy (9 and 10 September)**

Witness Mr. Seng Kuy, 62, is a Khmer who described the treatment of the Chams in Angkor Ban village number 2. He stated that after the Khmer Rouge soldiers arrived in his village in 1975, he was considered "a slave among other slaves." He told that he was assigned to work in the rice fields. After the Khmer Rouge regime took the power, the Chams were brought into his village. Mr. Seng testified that the Chams did not practice their religion because they were afraid of the Khmer Rouge. In 1977, Mr. Seng witnessed the arrest of approximately 15 Cham people, which were executed by Mr. Run and his communal security forces. He added that he heard Mr. Run being referred to as a butcher. Mr. Seng added that at the end of the Khmer Rouge regime, Mr. Run was killed by the people of Angkor Ban because he was the one arresting people. He added that he was one of the people assigned to transport the arrested Chams to the Au Trakuon pagoda. He was ordered to do this particular task by the chief of the Angkor Village; he was afraid to be killed if he refused. He testified that he never saw the arrested Chams again after leaving them at the pagoda.

## ECCC's weekly radio programme resumes on WMC' radio station FM102



A weekly radio talk show, "Khmer Rouge Leaders on Trial", is back on air every Thursday evening from 6-7 PM. The show aired again starting from 10 September 2015 at the Women's Media Center of Cambodia (WMC)'s radio station, FM102, and its sub-stations nationwide. Each programme presents the major developments from the week's trial hearings and features guest speakers from the Extraordinary Chambers in the Courts of Cambodia (ECCC).

This weekly radio programme is a joint production of the ECCC Public Affairs Section) and the WMC and was first launched at the Radio National of Kampuchea (RNK) in November 2011. It was most recently aired on Bayon Radio. The new radio programme on WMC's Radio FM102 follows the same interactive talk show style where guest speakers from the ECCC appear every week to explain the trial proceedings and answer questions that listeners may have.

Listeners are invited to call the station to ask questions directly to representatives of the Extraordinary Chambers in the Courts of Cambodia (ECCC) and send questions through the WMC's facebook page (<https://www.facebook.com/radiofm102>). The public can also listen to the programme online at <http://wmc.org.kh/listen-live>.

Previous radio programmes can be downloaded at: <http://www.eccc.gov.kh/>

### Supreme Court Chamber

In August, the Supreme Court Chamber continued its consideration of the appeals from the case 002/01 trial judgement, as well as Nuon Chea's requests for additional evidence on appeal.

On 12 August, Nuon Chea filed an urgent request for an extension of the page limit for his forthcoming sixth request for additional evidence. The Supreme Court Chamber granted this request on 17 August, allowing a total of 60 pages for the filing in English or French, with its equivalent in Khmer.

On 20 August, the Delegate Judges of the Supreme Court Chamber issued their third interim decision on the additional investigation requested by Nuon Chea in relation to footage allegedly held by film producers Robert Lemkin and Thet Sambath, which may potentially contain exculpatory information. In this decision, the Supreme Court Chamber requested Robert Lemkin to provide all transcripts and logbooks relating to his interviews with the four individuals he refers to as forming part of the footage, and instructed the Witness and Expert Support Unit (WESU) to ascertain whether the identity of the individual referred to as "W4" could be safely disclosed. On 28 August, following a request by Robert Lemkin, the Delegate Judges extended the time limits for Robert Lemkin's and WESU's compliance with the third interim decision to 14 September and 15 September, respectively.

Consideration of requests for additional evidence, as well as the Defence's and Co-Prosecutors' respective appeals, continues.

### Trial Chamber

The Trial Chamber sat for 12 hearing days in August, during which it heard the testimony of 7 witnesses and 1 Civil Party on the Trapeang Thma Dam worksite trial topic.

On 11 August, the Chamber received the results of the first Abbreviated Mental Tests (AMT) developed for the cognitive testing of the Accused, NUON Chea and KHIEU Samphan. On 26 August, the Trial Chamber ordered the Witness and Expert Support Unit to coordinate and schedule AMTs on a quarterly basis. It further ordered that the two trained Medical Unit doctors administer the AMTs together and that the Medical Unit submit the test results as soon as possible after the respective tests.

On 26 August, the Chamber clarified the



Civil Party HIM Man before the Extraordinary Chambers in the Courts of Cambodia in Case 002/02 against Nuon Chea and Khieu

reasons why it overruled the NUON Chea Defence's objection to the Co-Prosecutor's questioning of a witness on the treatment of former Khmer Republic officials during the hearing of 17 August. The Chamber noted that while it has limited Case 002/02 to a consideration of the implementation of the alleged policy on the treatment of former Khmer Republic officials to the Tram Kok Cooperatives, 1st January Dam Worksite, S-21 Security Centre and Kraing Ta Chan Security Centre, the parties may lead evidence on the existence of this alleged policy which does not concern these crime sites. The Chamber considered that the Co-Prosecutor's question was relevant to the existence of the alleged policy to target former Khmer Republic officials, in addition to internal purges.

On 26 August, the Chamber also initiated hearings on the presentation of key documents related to worksite trial topics, including the 1st January Dam, the Kampong Chhnang Airport and the Trapeang Thma Dam. After a Defence objection to the presentation of certain documents was rejected by the Chamber, counsel for NUON Chea, followed by counsel for KHIEU Samphan, withdrew from the court-

room in protest. The hearing was therefore adjourned due to the absence of representation of the Accused.

On 27 August, the Trial Chamber requested counsel for each Accused to explain the rationale and legal basis for their actions during the previous day's hearings. On 27 August, following submissions of the parties, the Chamber adjourned to deliberate on the issues raised.

Also on 27 August, the Trial Chamber found that pursuant to the Cambodian Code of Criminal Procedure the death of IENG Thirith extinguishes the criminal action against her. It further found that under the Internal Rules of the Extraordinary Chambers in the Courts of Cambodia, her death ends all Civil Party proceedings against her. The Chamber recounted the issuance of charges against IENG Thirith, its subsequent finding that she was unfit to stand trial, and the resulting stay of proceedings against her during which she was subject to judicial supervision ordered by the Supreme Court Chamber. The Chamber further recalled the results of a series of tests documenting the deterioration of IENG Thirith's mental and



Samphan on 17 September 2015. (Photo Credit: ECCC)

physical health, prior to her death as a result of cardiac arrest.

During the month of August, the Trial Chamber also addressed a number of issues in decisions and memoranda which were filed confidentially.

### Pre-Trial Chamber

In August 2015, the Pre-Trial Chamber ruled on MEAS Muth's Request to Reclassify as Public All Defense Submissions to the Pre-Trial Chamber. The Pre-Trial Chamber unanimously denied the request in part, but was not able to assemble an affirmative vote of at least four judges to issue a decision on the remainder of the Request. The Pre-Trial Chamber also held final deliberations on an Urgent Request filed by MEAS Muth for stay of execution of an action of the International Co-Investigating Judge (PTC 03/23). This decision is expected to be released soon.

During August 2015, the Pre-Trial Chamber received three new applications. In Case 003, the Pre-Trial Chamber is now seized of

MEAS Muth's Request to Reclassify as Public Certain Defense Submissions to the Pre-Trial Chamber (PTC 03/24). An Appeal has been filed by MEAS Muth against the International Co-Investigating Judge's Decision on MEAS Muth's Motion to Strike the International Co-Prosecutor's Supplementary Submission (PTC 03/25). In Case 004, the Pre-Trial Chamber is now seized with TA An's Application for Annulment of Investigative Action Concerning Forced Marriages (PTC 04/21), following a referral by the International Co-Investigating Judge.

Most of the Pre-Trial Chamber efforts have been focusing on preparing for the next deliberations, which will take place on 29 and 30 September 2015. During these deliberations, the Pre-Trial Chamber will consider four appeals. The Pre-Trial Chamber will firstly deliberate on an appeal against the International Co-Investigating Judge's Decision to reject a request for annulment (PTC 03/20). Secondly, the Chamber will consider two appeals against Decisions of the International Co-Investigating Judge relating to proceedings in Case 003 & 004 (PTC 03/21 and PTC 04/19). Finally, the

Chamber will deliberate on an appeal against the International Co-Investigating Judge's Decision on a Motion relating to validity of actions in Case 004 (PTC04/20).

### Office of the Co-Prosecutors

The month of August was a particularly busy month for the Office of the Co-Prosecutors. With four cases actively moving forward the OCP staff have been fully engaged in either the cases under investigation, trial or appeal. Case 002/01 The Co-Prosecutors responded to Nuon Chea's request for an extended page limit for an upcoming request to admit new evidence in the Appeal.

Case 002/02 In August, the Co-Prosecutors participated in trial hearings relating to alleged crimes committed at the Trapeang Thma Dam and continued preparations for future trial segments. Two requests to admit evidence relevant to the Trapeang Thma Dam worksite and testimony relating to the targeting of Lon Nol officials from the Case 002/01 appeal hearings in July 2015 were filed. A response to the joint Defence request regarding the questioning procedure for witnesses and other procedural issues was also filed. Four requests were made to the Chamber to disclose relevant documents from Cases 003 and 004 to Case 002/02 as well as a notice informing the Chamber of a revised procedure to be followed when disclosing Civil Party Applications from Cases 003 and 004 to Case 002/02. This revision was adopted in order to make the disclosure and admission of evidence more efficient. In relation to the key document hearings the Co-Prosecutors filed a proposal with the Chamber to ensure that they continue without obstructions.

Cases 003 and 004 The analysis and disclosure review of new evidence placed on both case files continued resulting in nine requests combined to the Co-Investigating Judges to disclose relevant documents from these cases into Case 002/02. In Case 003, the International Co-Prosecutor responded to Meas Muth's motion regarding the applicability of the criminal liability theory of command responsibility to crimes not connected to an international armed conflict. In Case 004, the International Co-Prosecutor responded to a Forwarding Order from the International Co-Investigating Judge regarding the clarification of a crime site under investigation.

## Defence Support Section

In Case 002, the NUON Chea and KHIEU Samphân Defence teams continued to attend and participate in the hearings of Case 002/02 and have filed several submissions regarding both their appeals against the Case 002/01 judgement and the ongoing proceedings in Case 002/02.

The NUON Chea Defence team filed a Rule 87 (4) request before the Trial Chamber for the admission of six statements as well as one annex into evidence in Case 002/02. The NUON Chea Defence team had requested the Supreme Court Chamber to admit all these statements, and the annex as additional evidence in the appeal of the trial judgement in Case 002/01. In addition, the team prepared for the key document hearing for Segment B of the trial of Case 002/02. However, due to disagreement with the Trial Chamber on what type of documents may be presented at the key document hearing and the uncertainty caused by inconsistency between the Trial Chamber's interpretation and the practice so far in this regard, the NUON Chea Defence team withdrew from presenting its documentary evidence at this key document hearing.

The KHIEU Samphân Defence team filed four submissions during the reporting period. First, the team responded to a request that was filed by the Co-Prosecutors to admit evidence heard on appeal. Second, the team filed a submission on the Co-Prosecutors' disclosure obligation. Third, the KHIEU Samphân Defence team filed a response to the request of the Civil Party Lead Co-Lawyers to admit two documents into evidence. Finally, the team filed a submission to oppose the appearance of a new witness in the trial proceedings. In the last three submissions, the Defence team argues that the Co-Prosecutors are unlawfully disclosing in the ongoing Case 002/02 material from the confidential investigations underway in Cases 003 and 004 and are therefore violating the right of KHIEU Samphân to a fair trial.

In Case 003, the MEAS Muth Defence team filed a number of submissions, classified as confidential, to protect Mr. MEAS Muth's rights and interests. The team continues to review material on the Case File and to prepare filings as necessary and reasonable to protect Mr. MEAS Muth's rights.

In Case 004, the Defence teams for Ms. IM Chaem and Mr. AO An continued to assess the evidence placed in the Case File to protect their clients' fair trial and procedural rights. The IM Chaem Defence team prepared a confidential submission at the request of the Co-Investigating Judges, for which an



extension of time was granted. The AO An Defence team filed an annulment application regarding subject matter jurisdiction. The Defence Team for a Named Suspect continues closely to follow the trial proceedings in Case 002/02. The Team maintains that the use of Case 004 documents in the Case 002/02 trial proceedings violates its client's rights. The Team continues to research relevant substantive legal issues and otherwise seek to protect its client's fundamental fair trial rights using publicly available sources.

## Civil Party Lead Co-Lawyers Section

### Key Legal Developments

As the trial segment exploring crimes alleged at the Trapeang Thma Dam continued, the Lead Co-Lawyers and Civil Party Lawyers participated in the examinations of seven witnesses who gave evidence about their experiences at the dam.

On 10 August, the Lead Co-Lawyers filed the Civil Party Lead Co-Lawyers' Response to the Joint Request by the Defence Teams on Certain Practices Concerning Witnesses and Experts.

Also on 10 August, the Lead Co-Lawyers filed their List of the Civil Parties to Testify during the Hearings on Suffering Relevant to the Second Segment, which was amended by

permission of the Trial Chamber on 27 August.

On 25 August, the Lead Co-Lawyers filed their Request to Admit Victim Information Forms and Related Documents pursuant to Rules 87(3) and 87(4), in which they sought to admit information disclosed by the International Co-Prosecutor that was relevant to civil parties proposed to speak about their harm and suffering.

### Outreach and training

O The International Lead Co-Lawyer spoke with students visiting the ECCC from Stanford on about civil party participation. The Lead Co-Lawyers, together with VSS, continue to liaise with NGOs in the development of reparation projects for Case 002/02.

## Victims Support Section

### Legal representation

As the evidentiary hearings of Case 002/02 still continued, the ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties needed to be examined.

The lawyer team also participated in the meeting with Lead Co-Lawyer Section to have a discussion about the preparation of Case 002/02 hearings relating to Trapeang Thma Dam Work-site.



tie, Kandal, Takeo, Sihanouk Ville, Kampong Speu, Pursat, and Kampong Cham to attend hearings of Case 002/02 at the ECCC. At lunch break of each hearing day, they were also arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the court. After the hearing ended in each day, Judgment Books of Case 002/01, radios and VSS newsletters were distributed to those CPs.

As usual, 10 CPs were arranged to sit in the Courtroom along with their lawyers and the rests were in the public gallery.

On 21 August, the Chief of VSS met with a researcher to talk over the reparation scheme of the ECCC, and its positive and negative impacts of the implementation of reparations projects.

#### Outreach

The Reparation & Non-Judicial Measure (R&NJM) Team has coordinated the implementation of all R&NJM projects through meetings and technical support communication.

From 5 to 12 August, the team's members and Lead Co-Lawyer Section met with Meta House, CHRAC, DC-Cam, Khmer Art, Bophana and YRDP respectively to: 1) update funding progress, 2) follow up unanswered questions from the past meetings, 3) discuss about concept note/proposal, and 4) others regarding their case 002/02 reparation requests. The team's members had many meetings with Lead Co-Lawyer Section to discuss about case 002/02 reparation requests so as to develop brochure and strategy for fund raising campaign.

#### Processing and analysis

As the remaining supplementary information in cases 003 & 004 has not been completely collected yet, the Processing and Analysis Team (PAT) continued to collect it through phone calls made to applicants having been suffered from alleged crimes under the investigation scope of Cases 03 and 04. During the

month, the team filed 22 pieces of supplementary information in Cases 003 & 004 to the OCIJ. So far, the total pieces of 306 of supplementary information have been filed in both cases. As of 31 August, there were totally 1964 applicants for both cases 003&004.

#### Reparations and non-judicial measures

During the month, Outreach Team invited 55 civil parties from Banteay Meanchey, Kra-

## Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website:

#### Supreme Court Chamber

**17 August 2015** : Decision on Nuon Chea's Request for an Extension of the Page Limit for this Prospective Sixth Request for Additional Evidence, F27/1.

**20 August 2015** : Third Interim Decision on the Additional Investigation, F2/4/3/3/5, 20 August 2015

**28 August 2015** : Decision pursuant to Interim Rule 39(4)(A), F2/4/3/3/5/1,

#### Trial Chamber

**26 August 2015** : Trial Chamber Order entitled "Order Scheduling Cognitive Testing of the Accused" <E329/11>

**27 August 2015** : Trial Chamber Memorandum entitled "Defence Conduct during Key Document Presentation Hearings" <E361>

**27 August 2015** : Trial Chamber Finding entitled "Termination of the Proceedings against the Accused IENG Thirith" <E359/1>



# TC heard the last evidence related to Trapeang Thma Dam

At the end of August, the Trial Chamber heard the last testimonies in the second trial topic in Case 002/02 before moving on to the next sequence. The last five testimonies on the Trapeang Thma Dam were heard last August, following the hearings on harm suffered by four civil parties in the first week of September. On 7 September, the Trial Chamber started hearing the evidence related to charges of genocide against the Cham



**Mr. CHHIT Yoeuk**, testified on 13 and 17 August

Mr. Chhit Yoeuk, 67, described the authority structure in Sector 5 as well as the conditions at the Trapeang Thma Dam worksite. He stated that he was sent to work at the dam in April or May 1976 to fulfill the role of assistant to the chief Ta Val. He testified that he was afraid to be arrested and killed if he refused to follow instructions. He also mentioned that the workers were required to reach the daily quota of carrying two cubic meters of earth. Chhit Yoeuk described the scarce food ratio and stated that half of the workers were emaciated. He testified that children also worked at the Trapeang Thma Dam worksite and that he was instructed to monitor workers: "Anyone who opposed the regime would be reported to the regime." In addition, Chhit Yoeuk described the arrests of the North-West zone cadres and the arrival of the Southwest Zone cadres.



**Mr. CHHUM Seng**, testified on 17, 18 and 19 August

Mr. CHHUM Seng, 61, was a former Lon Nol soldier and company chief in the Trapeang Thma Dam Worksite during the Khmer Rouge regime. The witness described the arrests of the North-West Zone cadres and former Lon Nol soldiers.

In regard to disappearances, Mr. Seng stated that two people disappeared from his unit and that he did not know where and how they disappeared since they never returned. The witness stated that they were monitored also during the night, and those who talked against Angkar were transferred into a different unit to be monitored. He mentioned a proverb that goes like "even a fish dies if it talks too much" to describe the situation. He also explained that the workers were made to marry each other according to their biographies.



**Mr. TAK BOY**, testified on 19 and 20 August

Mr. Tak Boy, 61, was a former Lon Nol soldier who lived in the Trapeang Thma village as a member of the mobile unit after 1975. Mr. Tak Boy stated that he was afraid that his background would be revealed to Khmer Rouge; fortunately, he was not required to present his biography. He testified that workers were not allowed to sleep or eat enough, the water was dirty, and that some people got sick. According to the witness, couples got married when both parties accepted the marriage. He stated that sometimes fifty couples got married at once. The witness described that whole families of Vietnamese and Cham were arrested, and that the husbands were separated from their families.



**Ms. YI LAISOV**, testified on 13 and 17 August

Witness Ms. YI LAISOV, 57, testified on forced marriage and the working conditions at the Trapeang Thma Dam site. She explained that she was told to marry a man called Rhom. She added that the unit chief threatened that she and her family would be killed if she would refuse to marry. She testified that people who were considered to be lazy by chiefs had to attend self-criticism meetings. She also testified that Ta Val was in charge of the Trapeang Thma Dam worksite.



**Mr. CHHUY HUY**, testified on 24 August

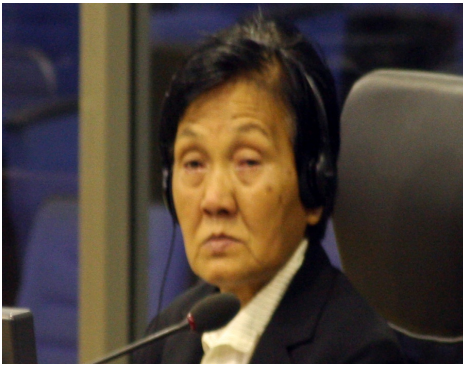
Mr. Chhuy Huy, 58, was born in the Thmey Village and was a sector mobile brigade worker at the Trapeang Thma Dam Worksite. He stated that his task was to carry soil, and that each worker was required to carry two cubic meters of soil per day. He mentioned that the workers worked from 7 AM to 11 AM, had a break, and then continued working in the afternoon and sometimes even in the evening. Mr. Huy confirmed his participation in the meetings headed by Ta Val to receive guidance on how to best organize the work structure at the Worksite. As for the health condition at the Worksite, he mentioned that around four to twenty people would fall ill at any given time. He was also questioned about forced marriages, the "illness" that caused his temporary removal from his position at the Worksite, and the arrests and killings that allegedly happened.



**Mr. NHIP HORL**, testified on 25 August

Mr. Nhip Horl, 63, a Civil Party from Battambang, testified how he fled his village after it was bombed by American fighters in April 1975. He provided details on how he was required to harvest and load sacks of rice into trucks despite his ailing health condition. He mentioned that he was eventually transferred to work at the Trapeang Thma Dam Worksite in 1977 where he was tasked to carry soil to build the dam. He also shed light on the post-traumatic stress disorder that he suffered, the general health condition of the workers, and the overall work structure at the Worksite.





**Ms. CHAO Lang, testified on 1 September**

Ms. Chao Lang, 64, explained that she was in Siem Reap in 1975 when she was advised to go to Phnom Penh to find her parents and hide her biography. Whilst there, the Khmer Rouge took-over and she was separated from her parents. She stated that both of her parents were killed. Ms. Chao Laing stated that she ended up in a mobile unit, through which she ended up at the 1st January worksite. She described taking a day off only to discover that her sister, sister's husband, and their three-year-old child had been killed because they were in possession of salt and were accused of being "white Khmer". She broke down as she told how the "base people" had said that they were chained to an ox cart and dragged around the village. She also described her forced marriage, and that after the regime, she divorced her husband because his in-laws were not satisfied with her.



**Mr. NUON Narom, testified on 1 September**

Civil party Ms. Nuon Narom, 59, testified on the living conditions at the 1st January Dam. The witness described how she and her family were evacuated from Phnom Penh on 17 April 1975. She was separated from her family and was later sent to work at the mobile unit of the 1st January Dam in January. The civil party stated that they had to work "day and night without any rest" to complete the dam before the rainy season. She described that they did not get enough food or clean water. She testified that workers were mistreated physically and mentally. She stated that the killing ended in 1979 and that she felt very lucky to survive.



**Mr. SAM Sak, testified on 2 September**

Civil party Sam Sak, 52, told that he was evacuated with his family from Phnom Penh on 17 April 1975. He was sent to the Children's Unit in Samraong Commune to collect cow dung. He explained that he later joined the mobile unit at the Trapeang Thma Dam worksite since the food there was better there than in the children's unit. He stated that the huge workload made him very sick but he still continued working. He was scared of being accused of imaginary sickness. He explained that the Angkor had a phrase: if you could eat, you could work. He described the lack of food, lack of sleep, and unsanitary conditions at the worksite. He also told that people were arrested and killed.



**Mr. MEAN Loeuy, testified on 2 September**

Mr. Mean Loeuy, 61, was a monk before the Khmer Rouge regime began. He was urged to dis-robe and was coerced into forced marriage. He lost his new wife and many members of his family. He described how the monks were described as "leeches" under the Khmer Rouge and shared how two of the kids from his family (aged 3 and 5) had their throats slit. He stated that his marriage was as part of a ceremony for 63 couples, many of whom could not recognize their spouses as they had never met. He said that the couples spent a couple of nights together before having to resume work. The couples eventually lived separately but were allowed to do monthly visits. He said that he remembers his wife, whom he says he loved and could have been pregnant at the time of her death, by holding an annual Buddhist ceremony for her memory. He said that he only manages to escape the pain and suffering he experienced under the Khmer Rouge regime when he meditates and participates in religious ceremonies.



We shared interviews with the Defence and other members of the Prosecution and Civil Parties to let everyone know about the perspectives and insights of the lawyers at our court, and their motivations for being here. Our interviews featuring Michael Karnavas, Victor Koppe, Marie Guiraud, Anta Guisse, and Andrew Boyle can all be found on our Behind the Scenes blog: <http://www.eccc.gov.kh/en/blog>



We spoke to visitors at the courts to find out what motivated them to come and what the tribunal meant to them. Reasons included personal loss under the Khmer Rouge and wanting to see the leaders of the Khmer Rouge for themselves. One woman shared that she lost three children under the regime, how she was forced to eat pork, and how she was forbidden to practice her religion. We spoke to the different groups that came and featured them on Instagram, Twitter, and our other social media channels.



# Peacebuilders visiting ECCC

Two peace and conflict resolution non-governmental organizations (NGOs) visited the ECCC last 17 September 2015. The first group that visited in the morning comprised 20 Burmese journalists from the Centre for Peace & Conflict Studies (CPCS), a peacebuilding and conflict transformation NGO based in Siem Reap. The purpose of the visit was to expose the journalists to the mechanisms that make the ECCC work so they could draw comparisons and gain relevant insights to properly assess the current legal system in Myanmar. In addition to watching the first Court session that day, the CPCS contingent also got the opportunity to talk with Ms. Helen Sullivan, a Senior Legal Consultant on the Meas Muth Defence team, who briefed the group about some of the past and current ECCC cases and the role that the Defence plays to ensure that the accused would receive fair trial in all circumstances.

In the afternoon, eight young people from the Youth For Peace, a youth-centered NGO that offers peace, leadership, conflict resolution and reconciliation education, also dropped by to watch the actual court proceedings that featured a Civil Party testifying about the treatment of the Chams during the Khmer Rouge regime. They found this experience very relevant and interesting as they currently have projects with the Cham community. They also got an opportunity to meet with Assistant Prosecutor Mr. Joseph Andrew Boyle who briefed them about the history and structure of the Court, the nature of the ECCC cases, and the Court's general relevance to the Cambodians.



PAS did a briefing to the peacebuilders who visited the ECCC last 17 September 2015. Photo credit: ECCC



## Lecture to student monks in Kg Cham Province

On 4 September 2015, ECCC' Press Officer Neth Pheaktra did a lecture at the Buddhist University in Kampong Cham Province. Around 200 students and monks attended this event. Mr. Neth did a briefing on the latest developments of the ECCC, history of the establishment of this hybrid court, and its caseload. Many questions were asked by the participants. This lecture was in cadre of the robust outreach activities of the ECCC to strengthen the knowledge of the public about the ECCC.



## ECCC outreach

The Public Affairs Section of the ECCC hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia twice a week to the ECCC, the Tuol Sleng Genocide Museum and the Choeng Ek killing fields for a guided tour and briefings. During the trial recesses, the Public Affairs Section also conducts school visits to give briefings, as well as hosts community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

August 2015						
SUN	MON	TUE	WED	THU	FRI	SAT
2	3	4	5	6	7	8
9	10 Hearing 250 people, From Takeo Province	11 Hearing 250 people, From Takeo Province	12 Hearing 250 people, From Takeo Province	13 Hearing 250 people, From Takeo Province	14	15
16	17 Hearing 250 people, From Takeo Province	18 Hearing 250 people, From Takeo Province	19 Hearing 250 people, From Takeo Province	20 Hearing 250 people, From Takeo Province	21	22
23	24 Hearing 300 people, From Pursat Province	25 Hearing 300 people, From Pursat Province	26 Hearing 450 people, From Pursat Province and PP	27 Hearing 300 people, From Pursat Province	28	29
30	31					

September 2015						
SUN	MON	TUE	WED	THU	FRI	SAT
		1 Hearing 200 people, From Takeo Province	2 Hearing 200 people, From Pursat Province	3 Hearing 200 people, From Pursat Province	4 Hearing 200 people, From Pursat Province	5
6	7 Hearing 200 people, From Phnom Penh	8 Hearing 200 people, From Phnom Penh	9 Hearing 250 people, From Kandal Province	10 Hearing 250 people, From Kg Chhnang Province	11	12
13	14 Hearing 200 people, From Takeo Province	15 Hearing 200 people, From Kg Cham Province	16 Hearing 200 people, From Kg Cham Province	17 Hearing 200 people, From Kg Cham Province	18	19
20	21	22	23	24	25	26
27	28 Hearing 300 people, From Kg Cham Province	29 Hearing 300 people, From Kg Cham Province	30 Hearing 300 people, From Kg Speu Province			

## Outreach activities



The ECCC hosted the visit of the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) contingent last September 28, 2015 as part of its Study Tour. The aim of the tour was to provide an in-depth understanding to the visitors, which comprised judges from Laos, clerks from the Phnom Penh Municipal Court, and representatives from the Judicial Research and Training Institute, on how the ECCC works, the victim-sensitive courtroom procedures it has in place, the importance of the defence counsel in the judicial process, and good court administration and case management practices. The AAPTIP guests managed to observe the first Court session that day that featured the testimony of a Civil Party about the treatment of the Chams during the Khmer rouge. They then attended separate orientations by the Public Affairs Section, Defence, Office of Administration and the Witness and Expert Support Unit to further complement their existing knowledge on judicial court mechanisms.





## FIND OUT MORE ABOUT THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

The ECCC welcomes visitors. For more information: [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh).

Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des tribunaux cambodgiens

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ABOUT ECCC ORGANS OF ECCC CASELOAD LEGAL DOCUMENTS MEDIA CENTER

FEATURED CONTENT  
**Case 002/01 day by day**  
Watch video recordings, summaries, transcripts, trial records and witness information from each day of the trial in Case 002/01.

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## The Court Report

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